

REMARKS

The Examiner's Action dated March 2, 2007, has been received, and its contents carefully noted.

In order to advance prosecution, claim 1 has been amended by deletion of a limitation that is considered unnecessary to define the contribution of the invention over the prior art. New claims 15-19 have been added to define further novel features of the toaster according to the invention. Claim 15 contains the limitation that was deleted from claim 1.

Support for the subject matter of claims 16, 17, 18 and 19 will be found in paragraphs [0006], [0008], [0033] and [0034], respectively, of the specification. With regard to the recitation in claim 18 that the base is connected to the case by only a pivoting movement, please note that paragraph [0033] states that to lock case 2 on base 20, it is only necessary to incline case 2 toward the front... Then it is only necessary to pivot case 2 in a manner to lower the rear part of the toaster until hook 16 comes to lock on its associated retaining means in base 20. The fact that only a pivoting movement is involved is also supported by the drawings.

The rejection of claims 1-13 as unpatentable over Hahnewald in view of Schwartz is respectfully traversed.

The secondary reference, Schwartz, was relied upon only for its disclosure of a plurality of feet as a means for support. That limitation has been deleted from claim 1, but is now included in new dependent claim 15, which depends

directly from claim 1. Claims 12 and 13 also includes recitations of feet. Therefore, the rejection, as now stated, will be discussed in connection with claims 12, 13 and 15.

It is noted that in the explanation of the rejection, the Examiner states that "Hahnewald discloses the claimed subject matter, except for the base and case having a plurality of feet". Since claim 1 no longer contains any recitation of feet, it must be assumed to be the Examiner's position that claim 1, as now amended, is anticipated by Hahnewald.

It is respectfully submitted that this rejection is without merit.

Claim 1 defines a toaster comprising a case containing a frame forming a toaster chamber, and "a base supporting said case". The rejection of claim 1 is based on the assertion that the element 8 of Hahnewald corresponds to the base defined in that claim. **Element 8 of Hahnewald is illustrated and described as a crumb tray.** Simply stated, there is no reasonable basis for construing crumb tray 8 of Hahnewald as a base that supports anything.

Terms used in a claim are to be interpreted according to their plain meaning and according to any special meaning assigned to the terms that is clearly set forth in the specification. The words of a claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. MPEP 2111.01 and 2173.01 and .02. The plain meaning of "base" is: a lowermost part, a supporting part, or a foundation (the American Heritage College Dictionary, 3rd Edition, Houghton Mifflin Company, Boston (1993). Moreover, the present specification clearly states that the base

supports the case, and claim 1 includes this specific language.

Given the plain meaning of the phrase "a base supporting said case" and the use of that phrase in the specification and claims, as well as illustration of the base in the drawings of the present application, it should be absolutely clear that no one skilled in the art would view crumb tray 8 of Hahnewald as a base, particularly as a base supporting anything.

The Hahnewald patent certainly does not contain any written disclosure or illustration that the crumb tray supports anything or otherwise constitutes a base. The drawings of that patent show that nothing is in contact with that upper surface of crumb tray 8. To say that crumb tray 8 supports anything, or even "slightly" supports anything finds no justification in the reference disclosure and, it is submitted, defies logic. Hahnewald discloses a toaster having a removable crumb tray, i.e. a tray that can be slid out of the toaster frame in order to be emptied. If that tray supported, or "slightly" supported anything, that tray could not be removed from the toaster, or removal of the tray would result in collapse of the supported, or even slightly supported, structure. Simply stated, the view that a crumb tray, which is intended to be easily insertable into, and removable from, the toaster housing (patent, claim 1) somehow constitutes a base supporting anything ignores the plain meaning of the terms employed in the application claims and, in fact, has the effect of depriving words of there ability to convey information.

In brief, the rejection must be withdrawn because Hahnewald totally lacks any disclosure of a toaster comprising a base supporting a case that forms a toasting chamber, "wherein said base is completely removable from said case".

Claim 4 further distinguishes over the applied references by its recitation that the base is provided with a finger. Clearly, Hahnewald does not disclose a base, and therefore cannot be considered to disclose a base having a finger which, as defined in claim 1, interacts with an element of the case to prevent the supply of electric power to the heating elements of the toaster. Moreover, Hahnewald does not contain any element that can be identified as a finger.

Claim 5 further distinguishes over the applied references by its recitation of a switch in the case that opens the circuit for supplying current "when said base is separated from said case". As already noted above, Hahnewald does not disclose a base, and therefore does not disclose a base that can be separated from a case.

Claim 6 clearly further defines over the applied references by its recitation of an electric connector on the base, no such electric connector being disclosed by Hahnewald.

Claim 7 further distinguishes over the applied references by its recitation of an electric trigger locking the case to the base. Here again, since Hahnewald does not disclose a base that is separable from a case, or any electric trigger whatsoever, so that the reference cannot be considered to anticipate claim 7.

Similarly, claim 8 distinguishes over the applied references by its recitation that the base has an electric

connector, there being no disclosure of such an arrangement in Hahnewald.

Claim 9 distinguishes over Hahnewald in the same manner as claim 7.

In claim 10 further defines the structural relation between the case and the base, which finds no correspondence in the disclosure of Hahnewald.

Claim 11 further distinguishes over the applied references by its recitation that the case and the base are constructed to allow the base to be connected to the case by a pivoting movement of the case relative to the base. Contrary to the assertion presented in support of the rejection, there is no basis for the view that tray 8 is connected to anything by a pivoting movement. Of course, as already noted at numerous points above, tray 8 is not, and cannot rationally be considered to be, a base, as that term is used in the present application.

Claim 12 contains in essence the same subject matter as claim 1, with the exception that claim 12 further specifies that the base has a plurality of feet. It is not believed that this latter limitation is necessary in order to distinguish over the prior art. All of the arguments and explanations presented earlier herein are applicable to the recitation in claim 12 of "a base supporting said case" and "said base and said case having respective elements... to prevent the supply of electric power to set heating elements."

As regards the merits of the device of Hahnewald according to the teachings of Schwartz, to provide crumb tray 8 with feet (keeping in mind that the rejection is based on

the view that crumb tray 8 of Hahnewald is a base) it can only be pointed out that although Schwartz does disclose a toaster having a plurality of feet, crumb tray 8 of Hahnewald is not a base and one skilled in the art would have absolutely no reason to provide a crumb tray with feet, taking into account the fact that the crumb tray is not a base and is intended to slide easily into an out of a toaster housing.

Claim 13 depends from claim 12 and includes a further recitation that the case has a plurality of feet. The purpose these feet is to allow the case to rest on a work surface when the base has been removed. Thus, claim 13 specifies that the base has feet and the case has feet. There is simply no reasonable basis for concluding that such structure is suggested by any reasonable combination of the applied references. Schwartz discloses only one set of feet and this disclosure cannot be considered to provide any suggestion for providing feet on two separate components of a toaster, one of which components cannot be that toaster base. Although Schwartz et al discloses a toaster having feet, it is clear that these feet are mounted on a part of the toaster that can only be considered to be its base. This reference cannot possibly provide a suggestion for providing a case, to which a base is removably connected, with feet.

Claim 15 depends from claim 1 and includes the same recitations as claim 13. Therefore, claim 15 further defines over the applied references in the same manner as claim 13.

Claim 16 further distinguishes over the applied references by its recitation that the case is constructed for permitting access through the opening at the lower part of the case to a lower part of the toasting chamber when the base is

removed from the case. It is noted, in this connection, that Hahnewald does not provide any disclosure of the structure of the bottom of a toaster. Please note that the drawings of this reference show a surface represented by the reference numeral "19", which does not appear in the patent specification. Also please note that the drawings include a similar surface 16, which is connected to surface 19 and is described in the patent specification as "a housing wall" (column 4, lines 15-22). This portion of the patent specification also states that the crumb tray is insertable "alongside the bottom of the bread toaster". Taking these reference disclosures into account, as well as the fact that removable crumb trays are always supported by surface forming a part at the bottom of a toaster, it can only be concluded that removal of crumb tray 8 of the applied reference would not permit access to a lower part of the toasting chamber.

Claim 17, of course, further defines the function of the base of a toaster according to the invention. There is no logical reason to believe that crumb tray 8 of Hahnewald either supports the toaster or provides thermal insulation therefor.

Claim 18 further distinguishes over the applied references by its recitation that the base can be connected to the case by only a pivoting movement of the case relative to the base. This clearly goes beyond any reasonable interpretation of the disclosure Hahnewald. The crumb tray 8 is removed from the toaster only by a sliding action and any pivoting is purely accidental, can only be of limited extent, and is certainly not associated with the establishment of any connection between the crumb tray and other structures of the toaster.

Appln. No. 10/780,733
Amd. dated June 4, 2007
Reply to Office Action of March 2, 2007

Finally, claim 19 further distinguishes over the applied references by its recitation of means for latching or locking the case to the base, the means including an unlocking button. There is no disclosure in Hahnewald of any means for latching or locking crumb tray 8 or of any component that can be equated to an unlocking button.

In view of the foregoing, it is requested that the rejection of claims 1-13 be reconsidered and withdrawn, that claims 1-13 and 15-19 be allowed and that a notice of allowance be issued.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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